

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA

In re:

Filings by Facsimile Transmission

General Order No. 94-1

WHEREAS, effective January 1, 1994, Northern District of Indiana Local Bankruptcy Rule B-505.2(f) provides that the bankruptcy court may authorize filing by facsimile transmission by general order;

WHEREAS, the current policy of the Judicial Conference of the United States is to permit papers to be filed by facsimile transmission provided that such filing is permitted only (a) in compelling circumstances or (b) under a practice which was established by the court prior to May 1, 1991 (the date the Federal Rules changes were transmitted to Congress); and

WHEREAS, this court permitted filings by facsimile transmission pursuant to a practice which was established prior to May 1, 1991;

The court orders that filing by facsimile transmission shall continue to be permitted subject to the following guidelines:

1. *Cover sheet.* Each document transmitted to the court by facsimile transmission shall be accompanied by a cover sheet, which shall include the following information:

- a. The court in which the pleading is to be filed;
- b. Type of action, *e.g.*, main case or adversary proceeding;
- c. Case title information;
- d. Case number identification;
- e. Title of document(s);

- f. Sender's name, address, telephone number, and facsimile number;
- g. Number of pages transmitted (including cover sheet); and
- h. Date and time of transmission.

The cover sheet shall be the first page transmitted. The cover sheet shall not be filed in the case and shall not be counted toward the page limit established by the court.

2. *Date of filing.* Filings by facsimile transmission received in the clerk's office during regular business hours shall be file-marked as of the date and time of receipt of the transmission, subject to the tender of the originally signed papers to the clerk as provided in this general order. Filings received in the clerk's office after the close of regular business hours or on a Saturday, Sunday, a legal holiday, or a day on which weather or other conditions have made the clerk's office inaccessible, shall be file-marked as of the next date and time the clerk's office opens for public business. The file-mark date shall govern the date of filing, unless the court orders otherwise upon a showing of good cause.

3. *Originally signed papers.* The court will require that the party or parties filing documents by facsimile transmission tender the originally signed papers to the clerk of the court within 8 days following the filing. Filing is complete when the clerk receives the originally signed papers and any fee assessed pursuant to paragraph 7 is fully paid. If the originally signed papers are not tendered within the required time, the court may strike the filing without further notice or hearing.

4. *Exhibits.* Exhibits accompanying documents filed by facsimile transmission which do not lend themselves to filing by facsimile transmission may be filed with the originally signed papers. The filing by facsimile transmission shall include a separate page which clearly identifies the nature of the exhibit and states that the exhibit will be filed with the originally signed papers.

5. *Prohibited documents.* No document for which a filing fee is required may be filed by facsimile transmission. Such documents include, but are not limited to: petitions for relief; complaints initiating adversary proceedings; motions to separate joint cases; motions for relief from the automatic stay; motions to withdraw reference; motions for abandonment of property; motions to reopen cases; notices of appeal; cross appeals; and petitions ancillary to a foreign proceeding. The court also will not accept the filing of schedules or amendments to petitions or schedules by facsimile transmission.

6. *Page limit.* Excluding the cover sheet, the court will accept no more than 30 pages by facsimile transmission, unless otherwise ordered.

7. *Fees.* The clerk of court shall assess an appropriate fee for a document received by facsimile transmission to cover the court's costs in generating the document, including a fee for any necessary copies to be reproduced by the court in the event it decides to take immediate action on the filing. If the sender fails to pay assessed fees within the required time, the court may strike the facsimile transmission and the originally signed pleading from the record without further notice or hearing.

8. *No action until compliance.* The court may refrain from taking any action with respect to the facsimile filing until originally signed papers are tendered and any fee assessed by the clerk has been fully paid.

9. *Failure to comply - Striking filing.* If the sender fails to tender originally signed papers and/or pay any fee assessed by the clerk within the time required, the facsimile filing may be stricken without further notice or hearing.

10. *Errors in transmission.* The court and clerk are not responsible for errors in transmission. The party filing a document by facsimile transmission is advised to maintain a record of

the transmission in the event an issue arises concerning the filing. The party also may wish to confirm that the court received a complete and legible transmission. An incomplete or illegible transmission will be insufficient to fix the filing date, unless the court orders otherwise.

Dated: September 21, 1994

/s/ \_\_\_\_\_  
Kent Lindquist, Chief Judge  
United States Bankruptcy Court

/s/ \_\_\_\_\_  
Harry C. Dees, Jr., Judge  
United States Bankruptcy Court

/s/ \_\_\_\_\_  
Robert K. Rodibaugh, Judge  
United States Bankruptcy Court

/s/ \_\_\_\_\_  
Robert E. Grant, Judge  
United States Bankruptcy Court